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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 UNITED STATES OF AMERICA,

Case No.: 2:16-cr-00265-GMN-CWH-5

14 Plaintiff,

15 vs.

16 ANDREW ELOY LOZANO,

**STIPULATION AND ORDER TO  
CONTINUE MOTION TO SUPPRESS  
WIRETAP DEADLINE (FIRST  
REQUEST)**

17 Defendant.

18 IT IS HEREBY STIPULATED by and between Defendant, Andrew Eloy Lozano, by and  
19 through his counsel Paola M. Armeni, Esq., and the Plaintiff, United States of America, by and  
20 through counsel Dayle Elieson, United States Attorney, and Cristina D. Silva, David N. Karpel,  
21 Christopher Burton and Daniel Schiess, that the motion to suppress wiretaps deadline currently  
22 scheduled for September 13, 2018, be vacated (for this Defendant only) and reset to a Forty-Five  
23 (45) day deadline.

24 **IT IS FURTHER STIPULATED AND AGREED** that the deadline for any and all  
25 responses to said motions be filed in conjunction with Order Regarding Pretrial Procedure. See  
26 LCR 12-1.

27 **IT IS FURTHER STIPULATED AND AGREED** that the deadline for filing any and  
28 all replies to said responses be filed in conjunction with Order Regarding Pretrial Procedure. See  
LCR 12-1.

This Stipulation is entered into for the following reasons:

1. The current pretrial motion to suppress wiretaps deadline is September 13, 2018.

- 1           2. Counsel for Mr. Lozano was appointed counsel on August 28, 2018.
- 2           3. As of the date of this stipulation, counsel for Mr. Lozano has not received discovery. She
- 3 is awaiting receipt of it from her client who is working with the detention facility to get it mailed
- 4 out.
- 5           4. Since discovery has not been received, counsel for Mr. Lozano is unable to access the
- 6 merits of a motion to suppress nor draft the actual motion if such a motion is deemed necessary.
- 7           5. Additionally, counsel for Mr. Lozano is currently set to commence two trials *United*
- 8 *States of America vs. Barbara Stephanie Lizardo*, Case No.: 2:17-cr-00021-JCM-GWF-4 and
- 9 *Angel Landeros and Amelia Villalba vs. Las Vegs Metropolitan Police Department*, et al., Case
- 10 No.: 2:14-cv-01525-JCM-CWH on Judge Mahan's September 24, 2018 three week trial stack.
- 11 As a result, counsel for Lozano needs additional time to review the discovery when received and
- 12 then draft if necessary a motion to suppress.
- 13           6. Mr. Andrew Eloy Lozano, has appeared in this case and is in custody and along with the
- 14 government agrees to a continuance.
- 15           7. The additional time requested herein is not sought for purposes of delay and the denial of
- 16 this request for a continuance could result in a miscarriage of justice.
- 17           8. For all the above-stated reasons, the ends of justice would be best served by the
- 18 continuance of the motion to suppress wiretap deadline.
- 19           9. This is the first request for an extension of time to file the motion to suppress wiretaps.

20 DAYLE ELIESON  
21 UNITED STATES ATTORNEY  
DISTRICT OF NEVADA

GENTILE CRISTALLI  
MILLER ARMENI SAVARESE

22 DATED this 12<sup>th</sup> day of September, 2018.

DATED this 11<sup>th</sup> day of September, 2018.

23 /s/ Daniel Schiess  
CRISTINA D. SILVA  
24 DAVID N. KARPEL  
CHRISTOPHER BURTON  
25 DANIEL SCHIESS  
Attorneys for Plaintiff,  
26 **UNITED STATES OF AMERICA**

/s/ Paola M. Armeni  
PAOLA M. ARMENI  
Attorney for Defendant,  
**ANDREW ELOY LOZANO**

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

Case No.: 2:16-cr-00265-GMN-CWH-5

4 Plaintiff,

5 vs.

6 ANDREW ELOY LOZANO,

**ORDER GRANTING STIPULATION AND  
ORDER TO CONTINUE MOTION  
DEADLINE DATES FOR WIRETAP  
(FIRST REQUEST)**

7 Defendant.  
8

9 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
11 Court hereby finds that:

12 **CONCLUSIONS OF LAW**

13 Based on the fact that counsel has agreed to a continuance, the Court hereby concludes that:

14 1. The current pretrial motion to suppress wiretaps deadline is September 13, 2018.  
15 2. Counsel for Mr. Lozano was appointed counsel on August 28, 2018.  
16 3. As of the date of this stipulation, counsel for Mr. Lozano has not received discovery. She  
17 is awaiting receipt of it from her client who is working with the detention facility to get it mailed  
18 out.

19 4. Since discovery has not been received, counsel for Mr. Lozano is unable to access the  
20 merits of a motion to suppress nor draft the actual motion if such a motion is deemed necessary.

21 5. Additionally, counsel for Mr. Lozano is currently set to commence two trials *United*  
22 *States of America vs. Barbara Stephanie Lizardo*, Case No.: 2:17-cr-00021-JCM-GWF-4 and  
23 *Angel Landeros and Amelia Villalba vs. Las Vegas Metropolitan Police Department*, et al., Case  
24 No.: 2:14-cv-01525-JCM-CWH on Judge Mahan's September 24, 2018 three week trial stack.  
25 As a result, counsel for Lozano needs additional time to review the discovery when received and  
26 then draft if necessary a motion to suppress.  
27

6. Mr. Andrew Eloy Lozano, has appeared in this case and is in custody and along with the government agrees to a continuance.

7. The additional time requested herein is not sought for purposes of delay and the denial of this request for a continuance could result in a miscarriage of justice.

8. For all the above-stated reasons, the ends of justice would be best served by the continuance of the motion to suppress wiretap deadline.

9. This is the first request for an extension of time to file the motion to suppress wiretaps.

10. The ends of justice are served by granting said continuances and outweigh the best interest of the public and the Defendant's right to a speedy trial, since the failure to grant said continuances would be likely to result in a miscarriage of justice, as it would deny the parties herein sufficient time, and the opportunity, within which to effectively and thoroughly prepare and file pretrial motions, responses, and replies, taking into account the exercise of due diligence.

## ORDER

**IT IS FURTHER ORDERED** by and between the parties herein, the deadlines for filing of any and all pretrial motions are hereby due on or before the 29 day of October, 2018.

**IT IS FURTHER ORDERED** that the deadlines for filing of responsive pleadings, are hereby due on or before the 5 day of November, 2018.

**IT IS FURTHER ORDERED** that the deadlines for filing any and all replies to dispositive motions, are hereby due on or before the 9 day of November, 2018.

**DATED** this 17 day of October, 2018.

**UNITED STATES DISTRICT COURT JUDGE**  
**CASE NO.: 2:16-cr-00265-GMN-CWH-5**